

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10361-NG
)	
)	
JOHN HANDY,)	
)	
Defendant.)	

**GOVERNMENT'S MOTION TO EXCLUDE THE TIME
FROM OCTOBER 9, 2007 THROUGH DECEMBER 17, 2007,
AND FOR AN ORDER ON EXCLUDABLE DELAY**

The United States hereby moves move, pursuant to 18 U.S.C. §3161(h)(8)(A) and Section 5(c)(1)(A) of the Plan for the Prompt Disposition of Criminal Cases of the United States District Court for the District of Massachusetts, to exclude the time within which trial must commence under 18 U.S.C. §3161(c)(1), excluding from such computation all time, commencing on October 9, 2007 and concluding on December 17, 2007.

As grounds therefor, the undersigned states that during the pretrial conference held this day, the Court rescheduled the October 9, 2007 trial date in this case to December 17, 2007, due to the Court's and counsels' busy trial schedules in other non-related matters as well as other pressing conflicting matters.

Counsel for Defendant, Timothy G. Watkins and Page Kelley have given their assent to this motion.

WHEREFORE, the government respectfully requests, under 18 U.S.C. §3161(h)(8)(A) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court

find, based on the above, that the ends of justice are served by granting the requested exclusion, and that said exclusion outweighs the best interest of the public and the defendant in a speedy trial, and, accordingly, exclude all time, **commencing on October 9, 2007, and concluding on December 17, 2007**, in computing the time within which trial must commence under 18 U.S.C. §3161, and request that the Court enter an Order of Excludable Delay.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Dated: September 26, 2007

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by electronic court filing:

Timothy G. Watkins, Esq.
Page Kelley, Esq.
Federal Defender Office
408 Atlantic Avenue, 3rd Floor
Boston, MA 02210

/s/Antoinette E.M. Leoney
ANTOINETTE E.M. LEONEY
Assistant U.S. Attorney

Date: September 26, 2007